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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,540	08/23/2001	Mark Kirkpatrick	00584	8674
26285	7590	04/07/2004	EXAMINER	
KIRKPATRICK & LOCKHART LLP			LE, KAREN L	
535 SMITHFIELD STREET			ART UNIT	
PITTSBURGH, PA 15222			PAPER NUMBER	
			2642	8

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,540

Applicant(s)

KIRKPATRICK, MARK

Examiner

Karen Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to applicant's response filed on January 5, 2004. Claims 1-20, are now pending in the present application. **This action is made final.**

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by the publication "LASS: Putting the telephone customer in charge" by Brant Hirschman, grant swinehart, and Marie Todd on May 1985.

Regarding claims 1, 11, 13 and 19 the publication teaches in a telecommunication system and apparatus configured to provide a connection between a caller and a callee via a telephone network (page 14, column 2, lines 26-27), wherein the telephone network is configured to connect the caller and the callee, a method for blocking future calls from the caller to the callee (page 14, column 2, lines 21-24), the method comprising:

Connecting a call from the caller to the callee (page 14, column 2, lines 26-27);

receiving an instruction from the callee to block future calls from the caller to the callee (page 14, column 2, lines 27-29);

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identifying a first telephone number associated with the caller (page 14, column 2, lines 29-31), and

preventing one or more phone calls from the first telephone number from being forwarded to a second telephone number associated with the callee (page 14, column 3, lines 2-9).

Regarding claims 2, 12, 14, 20, the publication further teaches receiving an instruction from the callee includes: detecting an off-hook signal from callee; and receiving a predetermined code from the callee (page 14, column 2, lines 27-29).

Regarding claim 3, the publication further teaches predetermined code includes at least one of the following:

one or more digits; and one or more non-numeric symbols (page 14, column 2, lines 26-27).

Regarding claim 4, the publication further teaches identifying the first telephone number includes maintaining a record of the most recent telephone number that was a source of a call placed to the second telephone number immediately prior to receiving the callee's instruction to block future calls from the caller to the callee, and consulting the record to identify the most recent telephone number as the first telephone number (page 14, column 2, lines 27-32).

Regarding claim 5, the publication further teaches receiving the predetermined code includes:

receiving a first portion of the predetermined code, prompting the callee to send a second portion of the predetermined code; and receiving the second portion of the predetermined code (page 14, column 2, lines 29-32).

Regarding claim 6, the publication further teach providing a database to allow the callee to enter the first telephone number therein, wherein the database includes one or more telephone numbers to be blocked (page 14, column 3, lines 3-5).

Regarding claims 7-9, the publication further teaches prompting the callee to perform administration tasks, prompting the callee to record a message to be played to the caller, to select a pre-recorded message to be played to the caller (page 14, column 3, lines 5-9).

Regarding claim 10, the publication further teaches charging a subscription fee to the callee and charging a per-usage fee to the callee (page 10, column 1, lines 42-44).

Regarding claim 15, the publication further teaches comprising a database (Fig. 1, item 19) in communication with the controller (page 14, column 2, lines 29-33).

Regarding claim 16, the publication further teaches an interactive voice response system in communication with the controller and the switch (page 14, column 3, lines 6-9).

Regarding claim 17-18 the publication further teaches comprising a service creation computer in communication with the controller. The switch is in communication with at least one of the first telecommunications device and the second telecommunications device via at least one of a public switched telephone network and an integrated services digital network (page 10, column 1, lines 16-20).

Response to Arguments

4. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gainsboro (U.S. 6,560,323) teaches using a computer control unit to implement a prospective call-screening feature whereby outside recipients of undesired calls from the institution may enter a code that directs the computer control unit to prohibit similar calls in the future.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

Hand-delivered responses should be brought to

Crystal Park II, Sixth Floor (Receptionist)

2121 Crystal Drive

Arlington, VA 22202

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen Le whose telephone number is 703-308-4998. The examiner can normally be reached on Monday - Friday from 8:30 A.M. to 5:00 P.M.

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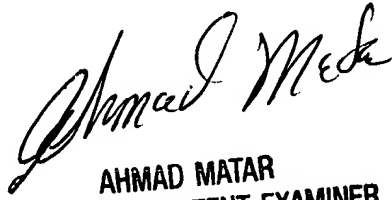
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

Karen Le

KLL

April 01, 2004


AHMAD MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600